

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
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FILED

FEB 18 2005

INDIANA UTILITY
REGULATORY COMMISSION

CAUSE NO. 42767

**PETITION OF THE BOARD OF DIRECTORS FOR)
UTILITIES OF THE DEPARTMENT OF PUBLIC)
UTILITIES OF THE CITY OF INDIANAPOLIS, AS)
SUCCESSOR TRUSTEE OF A PUBLIC)
CHARITABLE TRUST, D/B/A CITIZENS GAS &)
COKE UTILITY FOR AUTHORITY TO INCREASE)
ITS RATES AND CHARGES FOR GAS UTILITY)
SERVICE AND FOR APPROVAL OF A NEW)
SCHEDULE OF RATES AND CHARGES)
APPLICABLE THERETO, APPROVAL UNDER IC)
8-1-2.5 OF AN ALTERNATIVE REGULATORY)
PLAN IMPLEMENTING AN UNCOLLECTIBLE)
EXPENSE ADJUSTMENT MECHANISM, A)
DEMAND SIDE MANAGEMENT AND RATE)
DECOUPLING MECHANISM AND APROVAL OF)
OTHER CHANGES TO ITS GENERAL TERMS)
AND CONDITIONS FOR GAS SERVICE)**


You are hereby notified that on this date the Presiding Officers in this Cause make the following Entry:

At the Prehearing Conference conducted in this Cause on February 11, 2005, the Presiding Officers asked if, during the course of this proceeding, the parties would be agreeable to informally providing Commission staff with a copy of responses to parties' data requests. Counsel for Petitioner, Citizens Gas & Coke Utility, stated that Petitioner would consider the request and a response would be forthcoming. On February 14, 2005, Petitioner's Counsel sent an email response to the Commission and to all other parties indicating that it was Petitioner's preference to not provide Commission staff with a copy of responses to data requests. In the response, Petitioner expressed its concern "about giving the Commission's Advisory Staff copies of all discovery responses, without knowing to what use those discovery responses would be put. Since the case can be decided by the Commission only upon the evidence of record, it seems appropriate that materials made available to Advisory Staff also should be kept to the evidence introduced in the proceeding, and not be expanded to the broader scope of materials produced in discovery."


The Presiding Officers made this request with the belief that Commission staff, in reviewing responses to data requests, could properly confine their advisory role to the

evidence of record, while also having access to information which may serve to clarify some of the many complex issues anticipated in this proceeding. Such clarification could expedite a resolution of this Cause by reducing the need for the Commission to seek clarifying information at the end of this proceeding. Nonetheless, the Presiding Officers find that the concern raised by Petitioner is a reasonable concern and we hereby withdraw our request for any party to provide Commission staff with a copy of responses to data requests during this proceeding.

IT IS SO ORDERED.



Judith G. Ripley, Commissioner



William G. Divine, Administrative Law Judge

2-18-05

Date